In the High Court of Uttaranchal, at Nainital.

Criminal Appeal No. 1467/2001
(old No. 1794 of 1994)

State of U.P. ....Appellant

Versus

1. Janeshwar S/o Jyoti Pd. R/o Mohalla Brahmpura, Haridwar P.S. Kotwali, district Haridwar.
2. Chandra Kiran S/o Umrao Dutt R/o Mohalla Brahmpura, Haridwar, P.S. Kotwali, District Haridwar Accused/ Respondents.

Sri Nandan Arya, learned A.G.A. for the appellant.
Sri Vivek Shukla, learned counsel for the respondents.

Hon'ble B.C. Kandpa, J.

Heard Sri Nandan Arya, learned A.G.A., Sri Vivek Shukla, learned counsel for the respondents and perused the judgment and order dated 21-7-1994 passed by Addl. Sessions Judge, Haridwar, in S.T. No. 382/1997 State Vs. Janeshwar and another whereby the accused/respondents were acquitted of the charge U/S 307 I.P.C.

2. The trial court has come to the conclusion that the accused/respondents cannot be held guilty for the offence U/S 307 I.P.C. as the injured in this case sustained burn injuries on account of some accident. The trial court after the deep assessment of the evidence on record, came to the conclusion that the participation of the accused/respondents in the commission of crime is not established beyond reasonable doubt.

4- I do not find any perversity or illegality in the impugned judgment and order passed by the trial court, acquitting the accused/respondents. The trial court has not committed any error in disbelieving the statements of the prosecution witnesses.

5- The appeal lacks merit and is liable to be dismissed.

6- Accordingly the appeal is dismissed.

(B.C.Kandpal, J.)

Dated: 28-7-2006
ISB